

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

**FILED**

VENUE: SAN FRANCISCO

**MAY 23 2019**

UNITED STATES OF AMERICA,  
V.

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

**EMC**

~~UNDER SEAL~~

TRISTAN HARVEY,

**CR19 0241**

DEFENDANT(S).

## INDICTMENT

18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition;  
18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) – Forfeiture Allegation

A true bill

*[Signature]*

Foreman

Filed in open court this 23rd day of

May, 2019  
*[Signature]*

Clerk

SALLIE KIM  
United States Magistrate Judge  
*[Signature]*

Bail, \$ \_\_\_\_\_

**NO BAIL ARREST WARRANT**

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**
 Counts1: 18 U.S.C. § 922(g)(1) - Felon in Possession of a  
 Firearm and/or Ammunition  
 18 U.S.C. § 924(d) - Forfeiture of Firearm and/or Ammunition

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

 PENALTY: Maximum term of imprisonment: 10 years; Maximum fine:  
 \$250,000 fine; Maximum term of supervised release: 3 years;  
 Mandatory \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

TRISTAN HARVEY

DISTRICT COURT NUMBER

**CR19****0241 EMC****DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior  
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes  
 been filed? ☐ No

 If "Yes"  
 give date  
 filed
DATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

ATF

☐ person is awaiting trial in another Federal or State Court,  
 give name of court

☐ this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:
SHOW  
DOCKET NO.☐ U.S. ATTORNEY ☐ DEFENSE
☐ this prosecution relates to a  
 pending case involving this same  
 defendant
MAGISTRATE  
CASE NO.
☐ prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form DAVID L. ANDERSON

☒ U.S. Attorney ☐ Other U.S. AgencyName of Assistant U.S.  
Attorney (if assigned)

Ross Weingarten

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 \* Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

FILED

MAY 28 2019

SUSAN Y. SORIANO

CLERK U.S. DISTRICT COURT

NORTH DISTRICT OF CALIFORNIA

UNDER SEAL

CR19

0241 EMC

CR19-2416me

1 DAVID L. ANDERSON (CABN 149604)  
2 United States Attorney

FILED

MAY 23 2019

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

~~UNDER SEAL~~  
EMC

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 TRISTAN HARVEY,

15 Defendant.

CASE NO.

VIOLATION:

18 U.S.C. § 922(g)(1) – Felon in Possession of a  
Firearm and Ammunition;  
18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) –  
Forfeiture Allegation

**CR19-0241**

16  
17 INDICTMENT

18 The Grand Jury charges:

19 COUNT ONE: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition)

20 On or about April 22, 2019, in the Northern District of California, the defendant,

21 TRISTAN HARVEY,

22 possessed a firearm, namely, one 9mm Ruger P89DC semiautomatic handgun bearing serial number  
23 31203634, and ammunition, namely, 20 rounds of Winchester 9mm ammunition, 9 rounds of Remington  
24 Peters 9mm ammunition, 99 rounds of .22 caliber Aguila ammunition, and 1 round of Federal .40 S&W  
25 ammunition, all in and affecting interstate and foreign commerce, having been previously convicted of a  
26 crime punishable by a term of imprisonment exceeding one year, and did so knowingly, all in violation  
27 of Title 18, United States Code, Section 922(g)(1).

28 //

INDICTMENT

18

1 FORFEITURE ALLEGATION: (18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

2 The allegations contained in the sole count of this Indictment are re-alleged and incorporated by  
3 reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)  
4 and Title 28, United States Code, Section 2461(c).

5 Upon conviction of the offenses set forth in this Indictment, the defendant,  
6 TRISTAN HARVEY,  
7 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28,  
8 United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the  
9 offense, including, but not limited to, the following property:

- 10 a. Twenty (20) full automatic conversion switches for a Glock firearm;
- 11 b. One (1) 9mm Ruger P89DC semiautomatic handgun bearing serial number  
12 31203634;
- 13 c. Two (2) 9mm semiautomatic handguns bearing no serial number;
- 14 d. One (1) .40 caliber semiautomatic handgun bearing no serial number;
- 15 e. Twenty-nine (29) rounds of Winchester 9mm ammunition;
- 16 f. Nine (9) rounds of Remington-Peters 9mm ammunition;
- 17 g. Ninety-nine (99) rounds of Aguila .22 caliber ammunition;
- 18 h. Twenty (20) rounds of Civil Defense .38 caliber ammunition, each with a "JAG 38  
19 SPL" stamp on them; and
- 20 i. One (1) round of .40 caliber ammunition.

21 If any of the property described above, as a result of any act or omission of the defendant:

- 22 a. cannot be located upon exercise of due diligence;
- 23 b. has been transferred or sold to, or deposited with, a third party;
- 24 c. has been placed beyond the jurisdiction of the court;
- 25 d. has been substantially diminished in value; or
- 26 e. has been commingled with other property which cannot be divided without  
27 difficulty,

28 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,

1 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

2 All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code,  
3 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

4  
5 DATED:

*May 23, 2019*

A TRUE BILL.

*Linda J. ...*  
FOREPERSON

8  
9 DAVID L. ANDERSON  
United States Attorney

*Ross Weingarten*

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11  
12 ROSS WEINGARTEN  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

FILED

MAY 23 2019

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

~~UNDER SEAL~~

**Instructions:** Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. TRISTAN HARVEY

CASE NUMBER:

**CR19**

**0241**

EMC

Is This Case Under Seal?

Yes ☒ No

Total Number of Defendants:

1 ☒ 2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒ OAK SJ

Is this a potential high-cost case?

Yes No ☒

Is any defendant charged with a death-penalty-eligible crime?

Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA  
(Lead Attorney): Ross Weingarten

Date Submitted: 5/23/2019

Comments: